

FILED

UNITED STATES DISTRICT COURT
Las Cruces, New Mexico

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

SEP 03 2004

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICK JAMES PACHECO,
a/k/a Patrick J. Pacheco,
a/k/a Joe Arthur Pacheco,
a/k/a Joe A. Pacheco,
a/k/a Jose Arthur Pacheco,
a/k/a Patricio Pacheco,

Defendant.

CLERK

CRIMINAL NO. 04-1746

COUNTS 1 and 4: 18 U.S.C. § 922(g)(1)
and 924(e): Felon in Possession of a
Firearm; and 18 U.S.C. § 2: Aiding and
Abetting;

COUNTS 2, 3 and 5: 18 U.S.C. §
922(g)(1) and 924(e): Felon in
Possession of Ammunition; and 18
U.S.C. § 2: Aiding and Abetting.

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about the 23rd day of January, 2004, in Chaves County, in the State and District of New Mexico, the defendant, **PATRICK JAMES PACHECO, a/k/a Patrick J. Pacheco, a/k/a Joe Arthur Pacheco, a/k/a Joe A. Pacheco, a/k/a Jose Arthur Pacheco, a/k/a Patricio Pacheco**, a person who had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that is:

- a. Solicitation to Commit Burglary, Second Degree, Case No. CR. 146950, convicted on May 17, 1985, in the Superior Court of Arizona, Maricopa County;

- b. Burglary, Third Degree, Case No. CR. 87-06893, convicted on October 5, 1987, in the Superior Court of Arizona, Maricopa County;
- c. Criminal Damage, Case No. CR. 87-07061, convicted on October 5, 1987, in the Superior Court of Arizona, Maricopa County;
- d. Aggravated Assault, Case No. CR. 90-01983, convicted on May 29, 1990, in the Superior Court of Arizona, Maricopa County;
- e. Attempted Armed Robbery, Case No. CR. 91-91552, convicted on November 29, 1991, in the Superior Court of Arizona, Maricopa County; and
- f. Receipt, Transportation or Possession of a Firearm by a Felon, Case No. CR-99-366, convicted on June 15, 2000, in the District Court of Chaves County, State of New Mexico,

did knowingly possess in and affecting commerce firearms, that is, an Amando Rossi, .38 caliber Special revolver, Model 851, bearing Serial Number J086632; and a Hermann Weihrauch .38 caliber Special revolver, Model Standard Grade, bearing Serial Number 1542029, which had been shipped and/or transported in interstate and/or foreign commerce.

In violation of 18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e); and 18 U.S.C. § 2.

COUNT 2

On or about the 23rd day of January, 2004, in Chaves County, in the State and District of New Mexico, the defendant, **PATRICK PACHECO, a/k/a Patrick J. Pacheco, a/k/a Joe Arthur Pacheco, a/k/a Joe A. Pacheco, a/k/a Jose Arthur Pacheco, a/k/a**

Patricio Pacheco, a person who had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that is:

- a. Solicitation to Commit Burglary, Second Degree, Case No. CR. 146950, convicted on May 17, 1985, in the Superior Court of Arizona, Maricopa County;
- b. Burglary, Third Degree, Case No. CR. 87-06893, convicted on October 5, 1987, in the Superior Court of Arizona, Maricopa County;
- c. Criminal Damage, Case No. CR. 87-07061, convicted on October 5, 1987, in the Superior Court of Arizona, Maricopa County;
- d. Aggravated Assault, Case No. CR. 90-01983, convicted on May 29, 1990, in the Superior Court of Arizona, Maricopa County;
- e. Attempted Armed Robbery, Case No. CR. 91-91552, convicted on November 29, 1991, in the Superior Court of Arizona, Maricopa County; and
- f. Receipt, Transportation or Possession of a Firearm by a Felon, Case No. CR-99-366, convicted on June 15, 2000, in the District Court of Chaves County, State of New Mexico,

did knowingly possess in and affecting commerce ammunition that is, six (6) rounds of PMC brand, .38 caliber special ammunition, five (5) rounds of Winchester brand, .38 caliber special ammunition, and five (5) rounds of R-P brand, .38 caliber special ammunition, which had been shipped and/or transported in interstate and/or foreign commerce.

In violation of 18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e); and 18 U.S.C. § 2.

COUNT 3

On or about the 24th day of January, 2004, in Chaves County, in the State and District of New Mexico, the defendant, **PATRICK PACHECO, a/k/a Patrick J. Pacheco, a/k/a Joe Arthur Pacheco, a/k/a Joe A. Pacheco, a/k/a Jose Arthur Pacheco, a/k/a Patricio Pacheco**, a person who had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that is:

- a. Solicitation to Commit Burglary, Second Degree, Case No. CR. 146950, convicted on May 17, 1985, in the Superior Court of Arizona, Maricopa County;
- b. Burglary, Third Degree, Case No. CR. 87-06893, convicted on October 5, 1987, in the Superior Court of Arizona, Maricopa County;
- c. Criminal Damage, Case No. CR. 87-07061, convicted on October 5, 1987, in the Superior Court of Arizona, Maricopa County;
- d. Aggravated Assault, Case No. CR. 90-01983, convicted on May 29, 1990, in the Superior Court of Arizona, Maricopa County;
- e. Attempted Armed Robbery, Case No. CR. 91-91552, convicted on November 29, 1991, in the Superior Court of Arizona, Maricopa County; and
- f. Receipt, Transportation or Possession of a Firearm by a Felon, Case No. CR-99-366, convicted on June 15, 2000, in the District Court of Chaves County, State of New Mexico,

did knowingly possess in and affecting commerce ammunition that is, sixteen (16) rounds of R-P brand, .38 caliber special ammunition, which had been shipped and/or transported in interstate and/or foreign commerce.

In violation of 18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e); and 18 U.S.C. § 2.

COUNT 4

On or about the 24th day of August, 2004, in Chaves County, in the State and District of New Mexico, the defendant, **PATRICK JAMES PACHECO, a/k/a Patrick J. Pacheco, a/k/a Joe Arthur Pacheco, a/k/a Joe A. Pacheco, a/k/a Jose Arthur Pacheco, a/k/a Patricio Pacheco**, a person who had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that is:

- a. Solicitation to Commit Burglary, Second Degree, Case No. CR. 146950, convicted on May 17, 1985, in the Superior Court of Arizona, Maricopa County;
- b. Burglary, Third Degree, Case No. CR. 87-06893, convicted on October 5, 1987, in the Superior Court of Arizona, Maricopa County;
- c. Criminal Damage, Case No. CR. 87-07061, convicted on October 5, 1987, in the Superior Court of Arizona, Maricopa County;
- d. Aggravated Assault, Case No. CR. 90-01983, convicted on May 29, 1990, in the Superior Court of Arizona, Maricopa County;
- e. Attempted Armed Robbery, Case No. CR. 91-91552, convicted on November 29, 1991, in the Superior Court of Arizona, Maricopa County; and

- f. Receipt, Transportation or Possession of a Firearm by a Felon, Case No. CR-99-366, convicted on June 15, 2000, in the District Court of Chaves County, State of New Mexico,

did knowingly possess in and affecting commerce firearms, that is, a Sturm, Ruger and Co., Model 10/22, .22 caliber rifle, bearing Serial Number 252-16371; and a Norinco, SKS, 7.62 x 39 mm caliber rifle, bearing Serial Number 012644, which had been shipped and/or transported in interstate and/or foreign commerce.

In violation of 18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e); and 18 U.S.C. § 2.

COUNT 5

On or about the 24th day of August, 2004, in Chaves County, in the State and District of New Mexico, the defendant, **PATRICK PACHECO, a/k/a Patrick J. Pacheco, a/k/a Joe Arthur Pacheco, a/k/a Joe A. Pacheco, a/k/a Jose Arthur Pacheco, a/k/a Patricio Pacheco**, a person who had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that is:

- a. Solicitation to Commit Burglary, Second Degree, Case No. CR. 146950, convicted on May 17, 1985, in the Superior Court of Arizona, Maricopa County;
- b. Burglary, Third Degree, Case No. CR. 87-06893, convicted on October 5, 1987, in the Superior Court of Arizona, Maricopa County;
- c. Criminal Damage, Case No. CR. 87-07061, convicted on October 5, 1987, in the Superior Court of Arizona, Maricopa County;

- d. Aggravated Assault, Case No. CR. 90-01983, convicted on May 29, 1990, in the Superior Court of Arizona, Maricopa County;
- e. Attempted Armed Robbery, Case No. CR. 91-91552, convicted on November 29, 1991, in the Superior Court of Arizona, Maricopa County; and
- f. Receipt, Transportation or Possession of a Firearm by a Felon, Case No. CR-99-366, convicted on June 15, 2000, in the District Court of Chaves County, State of New Mexico,

did knowingly possess in and affecting commerce ammunition that is, approximately one hundred seventy-five (175) rounds of various ammunition, which had been shipped and/or transported in interstate and/or foreign commerce.

In violation of 18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e); and 18 U.S.C. § 2.

A TRUE BILL:

Sandra L. Caddock
FOREPERSON OF THE GRAND JURY

for DAVID C. IGLESIAS
United States Attorney
RLC 08/27/04 3:46pm